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2823

Attorney Docket No. 0756-2330

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shunpei YAMAZAKI et al.

Serial No. 09/894,125

Filed: June 29, 2001

For: CRYSTALLINE SEMICONDUCTOR
THIN FILM, METHOD OF
FABRICATING THE SAME,
SEMICONDUCTOR DEVICE, AND
METHOD OF FABRICATING THE
SAME

) Group Art Unit: 2823

) Examiner: B. Kebede

) CERTIFICATE OF MAILING

) I hereby certify that this correspondence is being
deposited with the United States Postal Service
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SUPPLEMENTAL RESPONSE

Honorable Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The Applicants gratefully acknowledge the interview granted on March 17, 2004. Further to the Amendment filed February 17, 2004, the Applicants submit the present *Supplemental Response*.

In the interview, the Applicants' representative brought to the Examiner's attention the partial consideration of the Information Disclosure Statement filed June 29, 2001. The Examiner confirmed that he has access to JP '329, the English language abstract for JP '329, and the fourteen U.S. references which were cited in the above-referenced IDS but which were not yet considered. The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of these Information Disclosure Statements.

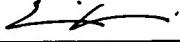
A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

With respect to the obviousness rejection based on U.S. Patent No. 6,077,731 to Yamazaki et al. and JP 09-186336 to Kudo et al., the Examiner agreed that Yamazaki '731 is prior art under § 102(e), which is noted in the *Interview Summary*. The Applicants respectfully submit that Yamazaki '731, as a commonly owned reference under § 102(e), may not be considered for a rejection under § 103. Subject matter developed by another which qualifies as prior art only under one or more of subsections 35 U.S.C. 102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made. See MPEP § 2146. Since the disclosure by Yamazaki '731 and the claimed invention of the present application were, at the time the invention was made, subject to an obligation of assignment to Semiconductor Energy Laboratory Co., Ltd., Yamazaki '731 may not be considered for a rejection under § 103. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

In any event, the Applicants respectfully submit that nothing in Yamazaki '731 appears to teach or suggest that a hydrogen plasma treatment step is equivalent to the leveling step of the present invention, or that the hydrogen plasma treatment should occur after removing an oxide film or after treating a surface of a semiconductor film with a hydrofluoric acid.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,


Eric J. Robinson
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